

Sample Appeal Letter for Chronic FMLA denials for loss of 150 hours

Date

To Whom It May Concern:

I am writing to appeal my denial for FMLA for my absences <date of absence>. I have received a letter from ARC stating that I was denied FMLA because I have not worked the required 1250 hours prior to my recent absence as stated above.

It is my understanding from the US Department of Labor that I am covered for FMLA coverage for the above mentioned dates. The FMLA Law guidelines state that once you have been tested for the 1250 hour rule for any certified FMLA related illness, the test of the 1250 hours can not be retested for the same FMLA certified illness during the duration of the certification period. This information can be found in the opinion letter from the US Department of Labor dated September 11, 2000 by Michael Kerr, Administrator. The letter was provided to both Verizon and CWA. The opinion letter refers to the case of *Berron v. Runyon*, and the case of *Butler v. Owens-Brockway Plastic Products, Inc. 5WH cases 2d1281 (6<sup>th</sup> Circuit 1999)*. I refer you to the FMLA law under the following sections:

CFR 825.110(a)(1)

CFR 825.110(a)(2)

Also, I am covered under the following sections:

29 CFR 825.114(a)(2)(ii)

29 CFR 825.112(a)(4)

The above mentioned sections indicate I am qualified for the duration of my certification period according to the law.

Thank you for your prompt attention in this matter.

Sincerely,

Your name

Your address

Your phone number

Your social security number